



## Honduras

### Country Reports on Human Rights Practices - [2001](#)

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Honduras is a constitutional democracy, with a president and a unicameral congress elected by separate ballot for 4-year terms. On November 25, voters elected Ricardo Maduro of the Nationalist Party president in elections that domestic and international observers judged to be generally free and fair. Maduro is scheduled to take office on January 27, 2002; he is to replace President Carlos Flores Facusse of the Liberal Party. The Constitution provides for an independent judiciary; however, the judiciary is poorly staffed and equipped, often ineffective, and subject to outside influence.

The Honduran Armed Forces (HOAF) include the army, the air force, and the navy. A 1999 constitutional amendment established direct civilian control over the armed forces through a civilian Minister of Defense. The amendment also replaced the position of the armed forces commander in chief with that of Chief of the Joint Staff. In April Congress passed the Organic Law of the Armed Forces to solidify civilian control over the military, a process that has taken a decade. The Organic Law came into effect in October. In January the Armed Forces made public its budget--\$41.5 million (643 million lempiras)--for the first time. The National Preventive Police (formerly a paramilitary force known as the FUSEP) were placed under civilian control in 1997. The police handle public security, counternarcotics, and border patrol duties. The Ministry of Security oversees police operations. The military are authorized to support law enforcement activities with police upon presidential authority. The military continued to participate in joint patrols with police to prevent and combat high levels of criminal and gang activity. While civilian authorities generally maintain effective control of the security forces, members of the security forces sometimes acted independently of government authority regarding human rights abuses. Members of the police continued to commit human rights abuses.

The country has a population of slightly more than 6 million. The market economy is based primarily on agriculture and, increasingly, on the maquiladora (in-bond processing for export) industry, which accounts for approximately 125,000 jobs, most of which are filled by young women. Approximately 33 percent of the labor force works in agriculture, followed by 24 percent in commerce, and 15 percent in manufacturing. The principal export crops are coffee and bananas; these, along with "value added" income from the maquiladora industry and remittances from Hondurans living abroad, are the leading sources of foreign exchange. Nontraditional products, such as melons, pineapples, and shrimp, play a growing role in the economy. The economy has recovered from Hurricane Mitch in 1998, but growth has slowed during the year due to low coffee prices and a decreasing expansion in the maquiladora sector. The Central Bank estimated growth for the year at between 3.0 and 3.5 percent. Annual per capita income is approximately \$920; about two-thirds of the country's households live in poverty, and 40 percent of the population lives on less than a dollar a day.

The Government generally respected the human rights of its citizens; however, serious problems remained. Members of the security forces committed some extrajudicial killings. Well-organized private and vigilante security forces are alleged to have committed a number of arbitrary and summary executions. Human rights groups accused former security force officials and the business community of colluding to organize "death squads" to commit extrajudicial, summary, and arbitrary executions, particularly of youth. Security force personnel beat and otherwise abused detainees and other persons. Prison conditions remain harsh, lengthy pretrial detention is common, and detainees generally do not receive due process. Considerable impunity for members of the economic, military, and official elite, exacerbated by a weak, underfunded, and often corrupt judicial system, contributed to human rights problems. Although the civilian courts considered allegations of human rights violations or common crimes against armed forces personnel, and some cases went to trial, there were few, if any, convictions. While no senior Government official, politician, or bureaucrat, or member of the business elite was convicted of crimes, a number were under investigation during the year. The Government removed or demoted more than 200 military officials, police officers, police agents and investigators, and judges from office on corruption and other charges. The judicial system continued to deny

swift and impartial justice to prisoners awaiting trial. On occasion the authorities conducted illegal searches. Individual members of the news media suffered various forms of harassment. The Government brought questionable charges of public disruption against a number of human rights activists. Other human rights problems included violence and societal discrimination against women, child prostitution, abuse of children, and discrimination against indigenous people. The Government does not enforce effectively all labor laws. Many workers in the private sector are forced to work unpaid overtime. Child labor is a problem, particularly in rural areas, in the informal economy, and in some export agriculture, but generally not in the export-processing sector.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by government agents; however, members of the security forces were suspected of involvement in approximately 24 of the estimated 603 extrajudicial, arbitrary, and summary killings of youth and minors from 1998 to August 2001. The Public Ministry (Attorney General's office) or the police were unable to identify suspects due to a lack of evidence in more than 50 percent of these killings. Through October an estimated 300 youths, age 21 and under, were killed, of whom 60 victims were reported to have been shot by masked men in vehicles. Human rights groups alleged that individual members of the security forces worked with civilian (including vigilante) groups and used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as other youth not known to be involved in criminal activity. Several groups pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders with regard to these murders. The Inter-Agency Commission on Extrajudicial Killings created in August 2000, which consists of the district attorneys for human rights and children, the National Institute of the Family and the Child, the Supreme Court, and the investigative police unit, opened investigations in approximately 300 of the 600 cases.

In August, at the invitation of the Government, the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions visited the country to investigate these allegations and prepare a report. During her 2-week visit, she met freely with government officials and children's and human rights groups, and interviewed witnesses and family members of youth who had been murdered in a summary or arbitrary fashion. She was provided with evidence of 66 minors killed by police and private security forces from January to June. During her visit, she noted the Government's negligence in investigating or preventing extrajudicial and summary executions. Her report is expected to be published in 2002. The Ministry of Security, which has been the focus of criticism of the killings, publicly denied accusations that the police force as a whole has been involved in extrajudicial killings, although it admitted that individual police have been accused of extrajudicial killings. During the year, the authorities sought or detained 18 police officials for their involvement in the killings of various individuals, some of whom were minors. At year's end, a total of 16 officers were in prison either awaiting trial or serving a sentence, and there were arrest warrants for 2 others.

In February police were seen detaining the son of a Potrerillos, Cortes department, mayoral candidate and his friend. The two youth were killed soon after and their bodies were found later on the street. Two police officers were implicated by witnesses who saw the police stop the youths. In June the authorities arrested one of the police agents for murder; the other remained at large at year's end.

On August 13, a gang clash in Tegucigalpa caused the Government to authorize police and military patrols to quell the violence. The fighting left 3 persons dead and between 30 and 50 injured, although it was not clear whether the deaths and injuries resulted from fighting between rival gangs or from fighting between police and gang members.

On November 13, police in Ocotepeque shot and killed Isidro Geronimo, a member of the Chorti indigenous group protesting the National Agrarian Institute's refusal to grant legal title to the land they occupy. A total of 19 other protesters were injured, and of these, 5 received gunshot wounds (see Section 2.b.).

On November 23, National Party congressional candidate Angel Pacheco Leon was shot and killed in Valle department. The police detained three suspects, all Liberal Party activists, and held them for questioning. At year's end, no one had been arrested formally.

Prison guards shot and killed one escaping prisoner during the year; there were a number of other deaths due to prison violence (see Section 1.c.).

A number of criminal cases against active and retired military officials accused of involvement in human rights abuses during the 1980's continued during the year. Most officials are accused of illegal detention and murder, because disappearance is not a crime (see Section 1.b.). Courts generally do not accept cases if the body of the victim has not been recovered and positively identified. Exhumations of clandestine graves continued, because an identified body allows families and human rights organizations to bring a case of suspected human rights abuse to court.

In February the Public Ministry issued a warrant for the arrest of former military official Jorge Adolfo Chavez Hernandez in the investigation of the 1998 murder of Carlos Antonio Luna Lopez, a town councilman in Catacamas, Olancho department. In May Chavez Hernandez was questioned and freed, but the court reinstated an arrest warrant after reviewing an appeal by the Public Ministry. In November the third judge assigned to the case revoked Chavez's arrest warrant for lack of evidence. The special prosecutor on the case reported receiving death threats while investigating the case. One suspect in the murder of Luna Lopez, Oscar Aurelio "Machetillo" Rodriguez Molina, remained in prison and reported that he was threatened after giving his testimony. Four other suspects with outstanding arrest warrants against them remained at large at year's end. The Catacamas regional court declared the process secret in order to pursue suspects who remain at large.

Various witnesses, survivors, and former HOAF personnel have charged that members of the now-disbanded army Intelligence Battalion 3-16 kidnaped, tortured, and killed many of the 184 persons who disappeared during the 1980's. The Public Ministry and the National Human Rights Commission kept open their investigations of those disappearances, but were not able to bring new cases to court due to lack of evidence (see Section 1.b.).

There was no action in the 1988 political murders of social activists Miguel Angel Pavon and Moises Landaverde; in 2000 a court had issued an arrest warrant for Jaime Raudales, a former member of Battalion 3-16.

The case of Nelson MacKay Echevarria and Miguel Francisco Carias is one of the best documented cases and includes witnesses; however, charges against both of the retired officials accused in the case have been dropped. In September a judge dismissed charges against retired Colonel Alexander Hernandez Santos due to insufficient evidence for the illegal detention and murder of Nelson MacKay Echevarria, as well as charges stemming from the kidnapping of Miguel Francisco Carias, who was found alive next to MacKay's corpse, in 1982 (see Section 1.c.). In November the Public Ministry appealed the decision. Hernandez Santos was imprisoned in December 2000 for questioning in this case, as well as for the illegal detention and attempted murder of six university students in 1982 (see Section 1.c.), and for the murders of Adan Avilez Funez and Amado Espinoza Paz. He remained in prison at year's end based on these murder charges. During the year, charges against retired Major Manuel de Jesus Trejo Rosa were dismissed for insufficient evidence. The Public Ministry has appealed the judge's decision to drop the charges.

No information was available regarding the Public Ministry's appeal to reinstate charges against retired General Daniel Bali Castillo, retired Colonel Manuel Enrique Suarez Benavides, and retired police Major Marco Antonio Matute Lagos for the 1982 deaths of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz. Retired colonel Hernandez Santos was detained for questioning.

Former security officials Jose Marcos Hernandez Hernandez, Dimas Carvajal Gomez, German Antonio McNeill Ulloa, and Juan Blas Salazar Meza were imprisoned during the year to begin trial proceedings for the 1982 murder of student activist Manuel Figueroa in Choluteca department. Salazar Meza also was questioned for his involvement in the kidnapping of 6 university students (Section 1.c.)

In May the Supreme Court reaffirmed the defense's appeal to dismiss charges due to insufficient evidence against Captain Billy Joya Amendola for the 1982 murder of university student Hans Madisson. The defense argued successfully that a DNA test that positively identified the body as Madisson's was not admissible as evidence, because there was a 1 percent probability of error. The Public Ministry actively was collecting evidence from a different DNA test to reopen the case at year's end. There was no information available regarding the Public Ministry's appeal of a 1999 ruling by a lower court that found former army chief of staff Oscar Hernandez Chavez not guilty in the same case.

In an effort to uncover evidence that could lead to criminal prosecution of Government authorities suspected of human rights abuses, the Public Ministry invited forensic experts from Guatemala to exhume a cemetery on an army base in Olancho. In August 28 bodies were exhumed, of which 11 were identified as Nicaraguans. The Government reported that most of the bodies were those of Nicaraguan counterrevolutionary forces who received training at the base and that the persons appeared to have died of natural causes. After reviewing the evidence, human rights organizations agreed that the bodies were not those of leftist guerrillas killed in the 1980's. Of the four bodies disinterred in 2000, the Public Ministry confirmed that the bodies were too

decomposed to allow for DNA testing and a positive identification.

Violent crime continued to fuel the growth of private--often unlicensed--guard services, and of volunteer groups that patrolled their neighborhoods or municipalities to deter crime. Vigilante justice led to the killing of known and suspected criminals, as well as youth in gangs, street children, and youth not known to be involved in criminal activity (see Section 5). Neighborhood watch groups called Citizen Security Councils (CSC's) originally were authorized by a previous Minister of Security, and some of them have been accused of taking the law into their own hands. Human rights groups criticized the CSC's, which they viewed as active participants in the increasing number of extrajudicial and summary killings. For example, in May Villanueva resident Jose Villeda Fernandez was found dead after a number of neighbors reported seeing the city's vigilante committee detain him on April 30. The vigilante committee was armed with weapons provided by the mayor's office. In October the Minister of Security and the Catholic Church stated publicly that youth murders, although a serious problem, were not organized by death squads. However, many human rights activists continued to state publicly their belief that some of the CSC's, as well as private security companies with ties to former military or police officials, were acting as vigilantes or death squads, especially targeting youth. A high level government security official acknowledged that individual police are likely to be involved. The continued proliferation of private security forces and CSC's made it more difficult to differentiate among homicides that may have been perpetrated by government security personnel, private vigilante groups, gangs, or common criminals. In order to impose some control over security services, in April the Ministry of Security registered approximately 1,000 employees of 18 private security firms.

Several "murders for hire" occurred during the year, usually related to land disputes or criminal activities. In February the Peralta Torres family was shot and killed at their home in Colon by unknown assailants, supposedly for opposing a local narcotrafficker. In February the president of a farmers' cooperative, Felix Roque, was murdered in Selva Azul, Copan department, in the presence of his 12-year-old son. The land farmed by the cooperative is under dispute. Also in February, farmer activist and cooperative president Jose Antonio Santos Lopez drowned under suspicious circumstances in Jesus de Otoro, Intibuca department. In June Carlos Flores was murdered at his home, allegedly by security guards hired by Energisa, a private company developing a hydroelectric project in Gualaco, Olancho, due to his opposition to the project. No one was arrested in any of these cases. There were no developments in the 2000 murder cases of social activist Jairo Amilcar Ayala Nunez; community leader Ruben Elvir; forestry cooperative officials Marciano Martinez Ramirez and Victor Manuel Almendares; or of the 2000 murders of Concepcion Alvarez and his family, Copan mayor Hugo Alvarado, or the 1999 murder of Cabanas mayor Juan Ramon Alvarado--all of whom were killed in land disputes.

On October 10, Ines Mejia and Wilfredo Lara were indicted for homicide and sentenced to 5 years in prison for the March 2000 murders of Chorti indigenous Vicente Ramirez, Enecon Ramirez, Antonio Garcia, and Domingo Mejia. Six other suspects remained at large at year's end, with warrants pending.

In August Casa Alianza reported that 800 children and youth, only some of whom lived on the street, were killed in "social cleansing" killings between January 1998 and May (see Section 5). Casa Alianza's information was collected from press reports. The majority of the killings occurred in Tegucigalpa and San Pedro Sula, and during the year, an increased share of killings were reportedly committed by masked armed men in drive-by shootings targeting unarmed youth. In August the Public Ministry narrowed down the Casa Alianza list to 603 victims of extrajudicial or summary killings between 1998 and 2001, of which 60 percent were minors. As of August, the Public Ministry had identified extrajudicial executions committed over the 3-year period by 18 uniformed police, 16 of whom are in prison and 2 are at large. The Public Ministry is investigating 36 other cases with the characteristics of extrajudicial, summary, or arbitrary executions. In August 2000, the Government established a joint special commission of the Public Ministry (Attorney General's Office) and the General Directorate of Criminal Investigation (DGIC), to investigate extrajudicial killings of minors. During the year, the Ministry of Security, through its investigative police and forensic investigators, and the Public Ministry continued active investigation into 300 of the 603 cases of unsolved murders of youth since 1998. None of the agencies reported uncovering any information suggesting that these deaths were caused by organized groups.

The October 2000 complaint filed by the Casa Alianza with the Inter-American Commission on Human Rights (IACHR) regarding the illegal detention and murder by police of four youth killed in 1995 remained under investigation by the IACHR at the end of the year.

#### b. Disappearance

The law does not prohibit forced disappearance. According to national human rights groups, on June 9, 39-year-old Rigoberto Martinez Lagos disappeared. He last was seen leaving his house in Tegucigalpa to meet a police investigative agent regarding a stolen car. Martinez Lagos was a member of a guerrilla group in the 1980's. The Public Ministry was unable to pursue the case further due to lack of evidence.

During the year, the appeals court did not rule on the Public Ministry's appeal of a 1999 decision that freed former police intelligence director Carlos Roberto Velasquez Ilovares in the 1988 disappearance of student activist Roger Samuel Gonzalez Zelaya. In September the First Criminal Court questioned the director of the Military Hospital, Colonel Mario David Villanueva, regarding Gonzalez Zelaya's disappearance. Villanueva was the spokesperson for the HOAF at the time. In September the Public Ministry requested the Second Criminal Court to order an inspection of the Joint Chief's of Staff office for evidence. Gonzalez' body has not been found, making further prosecution difficult (see Section 1.a.).

In April Amnesty International called for the Government to initiate investigations into the August 1981 disappearance of Jose Eduardo Lopez. Lopez's body has not been found, and the Public Ministry has not been able to pursue charges due to lack of evidence.

Exhumations continued during the year, and the courts adjudicated several pending cases involving political disappearances from the 1980's (see Section 1.a.).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, there were isolated instances in which officials employed such practices. In addition, police beatings and other alleged abuses of detainees remained problems.

In April the district attorney for Human Rights in San Pedro Sula accused two police of torturing an indigenous man to extract a confession. The criminal court did not accept the torture charges, and the police released the indigenous detainee for lack of evidence. In August the Human Rights Committee (CODEH) received a complaint of a man who was tortured and beaten by 15 police who accused him of planting marijuana.

There were no developments regarding four police officers accused of wounding a woman in a vehicle that they allegedly attempted to stop in 1999.

The police force, which includes the Preventive Police and the DGIC, is subject to investigation by the Internal Affairs office regarding public complaints of police behavior. The Internal Affairs office reports to the Minister of Security. The Preventive Police and the DGIC each have an Office of Professional Responsibility (OPR), which conduct internal reviews of police misconduct such as off-duty criminal conduct and ethics violations. An OPR ruling is reported to the Minister of Security, who can take disciplinary action or direct a supervisor to decide upon disciplinary action for minor infractions. Some human rights groups reported that the reorganization that took place in 2000 has increased impartial judgments of police behavior.

The Ministry of Security suspended or dismissed numerous agents and officers in both the DGIC and the Preventive Police for corruption and abuse of authority during the year. In May the Ministry of Security received congressional authority to fire security officials and agents without needing to provide proof of incompetent, corrupt, or abusive behavior. The Security authorities dismissed more than 100 police officers and DGIC agents during the year, similar to the number of officers and agents dismissed in 2000. As of November, the Public Ministry had received 330 complaints of police abuse.

In May a public feud between the Public Ministry (or Attorney General's office) and the Security Ministry barred local district attorneys from working in police stations, thus reducing the overall effectiveness of law enforcement. In September the two ministries came to an agreement, but by the end of the year, the district attorneys still were not allowed to work out of police stations.

No more information is available regarding the three army officers who were under investigation for having beaten and threatened eight recruits in 2000.

In June 2000, the Supreme Court ruled that illegal detention and execution committed by military officials were not covered by the 1987 Amnesty Law (see Section 1.e.). This ruling allows for the criminal prosecution of military officers accused of the 1982 kidnaping and torture of six university students. A total of 19 active and former military and police officials continued to face criminal charges in various courts during the year. As a result of the ruling, amnesty laws are no longer applicable for: Alexander Hernandez Santos, Juan Blas Salazar Meza, Manuel de Jesus Trejo Rosa, Juan Evangelista Lopez Grijalba, retired Captain Billy Hernando Joya Amendola, retired General Amilcar Zelaya Rodriguez, Roberto Arnaldo Erazo Paz, Jorge Antonio Padilla Torres, and Colonel Julio Cesar Funez Alvarez.

In November the court reduced the charges faced by retired Colonel Alexander Hernandez Santos to illegal detention only, and dropped the charges for attempted murder, for his participation in the kidnaping and torture of six university students in 1982. The reduction in charges allowed Hernandez Santos to be released on bail

in this case; however, he remained in prison at the end of the year while he was questioned for his participation in two 1982 murders (see Section 1.a.). At year's end, Juan Blas Salazar Meza was in prison being questioned for his participation in the illegal detention of the six students. He did not qualify for bail, because he also was being held as a suspect in the 1982 murder of Miguel Figueroa (see Section 1.a.). Salazar Meza was being held in prison for questioning in the above cases after having served a drug trafficking sentence. At year's end, retired Captain Billy Joya Amendola was free on bail while awaiting further questioning. Earlier in the year, the courts had issued warrants for the arrest of Colonel Julio Cesar Funez Alvarez, head of personnel of the Preventive Police, and retired Colonel Juan Lopez Grijalba, but neither were jailed nor tried by year's end. Retired General Amilcar Zelaya Rodriguez, the owner of the property in the Amarateca Valley of Francisco Morazan department where the 1982 incidents occurred, was free on bail at year's end. During the year, charges against Jorge Antonio Padilla Torres were revoked due to lack of evidence, and there was an outstanding arrest warrant for Roberto Arnaldo Erazo Paz. Manuel de Jesus Trejo Rosa was released on bail in 2000. All charges against Juan Ramon Pena Paz were dropped; he was accused wrongly because he shared the same last name as another suspect.

The case of the 1982 kidnaping of Miguel Francisco Carias was processed together with the murder of Nelson MacKay (see Section 1.c.). Carias was found alive after being detained illegally, alongside the murdered corpse of MacKay. Charges against Alexander Hernandez Santos and Manuel de Jesus Trejo Rosa were dropped, despite the fact that the MacKay/Carias case was one of the best documented cases and included witnesses. The Public Ministry appealed the judge's decision to drop the charges.

Police occasionally used force against demonstrators; in July and in October, a number of persons were injured (see Section 2.b.).

In a number of instances, the security forces actively dislodged farmers and indigenous groups who claimed lands based on land reform laws or ancestral titles to property (see Sections 1.a., 1.f., and 5). Local security forces supported local, and sometimes illegal, landowners.

The police forces are underfunded, undertrained, and understaffed, and corruption is a problem. There is widespread frustration at the inability of the security forces to prevent and control crime. Gang violence and intimidation in poor neighborhoods, kidnapings of the wealthy and well-known, and the well-founded perception that corrupt security personnel were complicit in the high crime rate led to growing support among a large segment of the general public for vigilante justice (see Section 1.a.).

The Law of the Rehabilitation of the Delinquent establishes regulations for prison conditions, including minimum conditions of sanitation and security for prisoners; however, prison conditions were harsh and prison security was poor. The Ministry of Security maintains prison facilities. Retired military officers work as guards in some areas, and some Preventive Police are used as guards. Prisoners suffered from severe overcrowding, malnutrition, and a lack of adequate sanitation, and allegedly were subjected to various other abuses, including rape. Pretrial detainees generally are not separated from convicted prisoners. The 27 penal centers held over 12,500 prisoners, more than twice their maximum capacity; more than 90 percent of all prisoners were awaiting trial for an average of 22 months, with some waiting over 5 years (see Section 1.d.). During the year, the central penitentiary in the capital city was closed due to poor sanitary conditions and severe overcrowding. Prison escapes, through bribery or other means, remained a frequent occurrence. Prison guards shot and killed one escaping prisoner during the year. On March 19, an attempted escape at the San Pedro Sula prison left one prisoner dead and five prisoners wounded.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred throughout the year in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. A number of gang members were killed in prison, reportedly by other gangs. In May prisoner and gang member Jesus Reyes Henriquez was found hanged in his cell; a criminal court was investigating the incident at year's end. In August gang members murdered one prisoner in the Tegucigalpa prison and two in the Choluteca prison. In August prison authorities began moving prisoners of opposing gangs into different facilities to reduce intergang tensions and violence. In December another prisoner was found hanged in his cell in San Pedro Sula. An investigation was initiated at year's end.

The Interinstitutional Committee for the Prevention and Rescue of Minors at Risk followed up on complaints made by a number of prisoners of poor treatment both before and after the attempted March escape at the San Pedro Sula prison. In June the CODEH, which works with prison populations, stated publicly that prisoners' conditions and basic liberties allowed under the law are not respected and have deteriorated during the year.

More often than not, for lack of alternative facilities, wardens housed the mentally ill and those with tuberculosis and other infectious diseases among the general prison population. In July the National

University's Medical College published a study that reported a 7 percent HIV/AIDS infection rate among prisoners. Prisoners with money routinely bought private cells, decent food, and permission for conjugal visits, while prisoners without money often lacked basic necessities, as well as legal assistance. The prison system budgets about \$0.40 (6 lempiras) per day for food and medicine for each prisoner. Prisoners were allowed visits and in many cases relied on outside help to survive, as the prison system could not provide adequate or sufficient food.

In April Tela prison authorities detained a woman for suspected drug possession. According to her testimony, the woman was taken to and held naked at the prison where prison authorities performed a vaginal inspection despite the woman's assertions that she was pregnant. Medical records confirmed that she subsequently suffered a miscarriage. There was no further investigation into the incident at the end of the year.

During the year, prison authorities in Tela transferred without explanation various members of the Prisoner Defense Committees, a prisoner rights group organized with the agreement of prison authorities and CODEH. During the year, the warden of the Tela prison forbade Garifuna prisoners from speaking their native language. In July CODEH presented a complaint against the Security Ministry to the Public Ministry. The complaint alleged that these incidents represented torture and abuse of authority by the Tela prison authorities. No action had been taken by year's end.

CODEH and the Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and their Relatives continued government-funded programs to train police and prison personnel to avoid committing acts of torture, to train and rehabilitate prisoners, and to arrange for periodic inspections of prisons.

The Government continued to plan a model prison farm in the Sula Valley at a cost of \$15 million (225 million lempiras). The 1,500-bed penitentiary is scheduled to open in 2002.

Women generally were incarcerated in separate facilities under conditions similar to those of male prisoners; however, female prisoners do not have conjugal visit privileges.

The Government operates juvenile detention centers in Tamara, El Carmen, and El Hatillo; all are located in or near Tegucigalpa or San Pedro Sula. Although there is a lack of juvenile detention facilities, minors are detained infrequently in adult prisons. Casa Alianza processed some complaints during the year regarding minors held in adult prisons, but reported that the Government responded quickly to complaints and no longer routinely housed juvenile offenders in adult prisons. The Government and Casa Alianza continued negotiations under an IACHR agreement on compensatory payments to 300 juvenile offenders who served time in adult prisons from 1995 to 1999. As of October, government authorities had located 25 of the 300 juveniles. At year's end, payments were being processed for those few individuals who had been identified.

In June the Government and Casa Alianza came to a settlement in the case of Carlos Enrique Jaco, a minor who was killed by a prisoner in March 1996 while illegally imprisoned in an adult jail in San Pedro Sula. The Government agreed to pay \$19,240 (298,320 lempiras) to Jaco's mother.

During the year, the Casa Alianza case of four minors tortured in a Choluteca prison in 1990 was advanced to the Inter-American Court of Human Rights, because the Government and Casa Alianza could not reach an amicable settlement.

The Government generally permits prison visits by independent human rights monitors. However, in June the General Director of Prisons barred all district attorneys from access to prisons. In September the criminal courts prepared a warrant for the arrest of prison directors who upheld the order, which violates the Public Ministry Law allowing lawyers access to prisons. No prison directors upheld the order.

#### d. Arbitrary Arrest, Detention, or Exile

The law provides for protection against arbitrary arrest and detention; however, the authorities occasionally fail to observe these legal requirements. The law states that the police may arrest a person only with a court order, unless the arrest is made during the commission of a crime, and that they must clearly inform the person of the grounds for the arrest. The Preventive Police detain suspects and can investigate only petty crimes. The police must bring a detainee before a competent authority within 24 hours; the judge or district attorney then must issue an initial, temporary holding order within 24 hours, make an initial decision within 6 days, and conduct a preliminary investigation to decide whether there is sufficient evidence to warrant further investigation. Less stringent rules of detention apply when the police catch a suspect in a criminal act; in that case, the authorities may hold a suspect for up to 6 days before a temporary holding order is issued.

In February members of the police illegally detained district attorney Ledy Torres; he subsequently was released.

While bail is legally available, it is granted primarily for medical reasons; however, procedures in such cases are confused and unclear. Poor defendants, even when represented by a public defender, seldom are able to take advantage of bail (see Section 1.e.). Lengthy pretrial detention is a serious problem; a March 2000 study estimated that 92 percent of detainees were awaiting trial, some for over 5 years. The average length of detention was approximately 22 months, and over 90 percent of all prisoners neither had been tried nor sentenced (see Section 1.c.).

The 1996 Unsented Prisoner Law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. However, the antiquated criminal justice system, judicial inefficiency and corruption, and lack of resources clog the criminal system with pretrial detainees, many of whom already have served time in prison equivalent to the maximum allowable for the crime of which they were accused. In April 2000, the Government estimated that as many as 3,017 prisoners qualified for release under the Unsented Prisoner Law, that 3 officers were required to monitor each person, and that the annual cost of enforcing this law was approximately \$6.7 million (100 million lempiras). The Government already has implemented one regulation under the new Criminal Procedures Code that allows house arrest until trial of persons over the age of 60 accused of nonfelony crimes, women who are pregnant or lactating, and the terminally ill.

Many prisoners remain in jail after being acquitted or completing their sentences, due to the failure of responsible officials to process their releases. A significant number of defendants served the maximum possible sentence for the crime of which they were accused before their trials were concluded, or even begun. For example, in March the authorities released without trial a man who originally was arrested in 1990 for marijuana possession because his file was lost in an office fire, and there is no record of his charges or proceedings.

Neither the Constitution nor the Legal Code explicitly prohibits exile, but it is not used as a means of political control.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is poorly staffed and equipped, often ineffective, and subject to outside influence. While the Government respects constitutional provisions in principle, implementation has been weak and uneven in practice. A number of factors limit the effectiveness of the system. Both the judiciary and the Public Ministry suffer from inadequate funding; low wages and lack of internal controls make law enforcement officials susceptible to bribery; the civil law inquisitorial system is both inefficient and opaque; and powerful special interests still exercise influence and often prevail in the courts. Approximately 35 percent of the complaints received by the National Human Rights Commission concern the judicial system. Many elected politicians enjoy constitutional immunity due to the privilege of their office.

The existing court system is composed of a 9-member Supreme Court, 10 appeals courts, 67 courts of first instance with general jurisdiction, and 325 justice of the peace courts with limited jurisdiction. Previously Congress elected the nine Supreme Court justices and named the president of the court; the Supreme Court, in turn, names all lower court judges. The 4-year term for justices of the Supreme Court coincided with those of the Congress and the President. In April Congress ratified a constitutional amendment to restructure the Supreme Court and create an independent judiciary. In September Congress passed the Supreme Court Nomination Law, which codifies the amendment. The new law provides for a participatory process in which 5 representatives of civil society (one representative each from labor unions, employer associations, civil society, the bar association, and the human rights ombudsman) are to choose nominees for the Supreme Court, from which Congress selects 15 Supreme Court justices and names the president of the court for 7-year terms. The Supreme Court, in turn, names all lower court judges. The new legislation removes the responsibility for the selection of the Supreme Court from the President. Human rights groups noted that the law may help to depoliticize Supreme Court appointments. In October the nominating committee was convened to choose 45 candidates for the Supreme Court. At year's end, the nominating committee had received more than 200 nominations and was reviewing applicants' qualifications.

The Constitution provides for the right to a fair trial; however, the written, inquisitorial trial system is labor-intensive, slow, opaque, and does not protect the rights of defendants adequately.

In May 2000, a new Criminal Procedures Code became law; implementation of the new Code continued during the year. The Criminal Procedures Code is scheduled to take full effect in February 2002, at which time an oral, accusatorial system of criminal prosecution is to replace the written, inquisitorial system. Trials are to be

oral rather than written, decided on by three judges, one at each stage of the trial, rather than one, and proceedings are to be open to the public. The new system allows for plea bargaining, and for all indigent suspects to be appointed legal counsel. The government authorities involved in the criminal justice system trained throughout the year to prepare for the transition.

The new law is designed to change the code into one based upon the presumption of innocence, the right to a public trial, and respect for the dignity and liberty of the accused. It also expressly prohibits incarceration without first receiving an order or a sentence from a judge or tribunal.

Judges legally are in charge of investigations, as well as of trials and sentencing. Under the 1984 Code of Criminal Procedures, judges, the police, public officials, and individual citizens can initiate criminal proceedings. As many as 80 percent of the cases reported to the police never are referred to the criminal justice system but instead are settled administratively by the police or by municipal courts. A judge may detain an accused person for 6 days before a determination is made of probable cause to accept charges. If a judge sustains the criminal accusation, the accused remains in jail, or may be released on bail while awaiting trial (see Section 1.d.). The role of the Public Attorney's office is not well defined under the present law; however, under the February 2002 revisions, the Public Attorney's office, along with the investigative police, has authority over investigations.

An accused person has the right to an initial hearing by a judge, to bail, to an attorney provided by the State if necessary, and to appeal. Although the Constitution recognizes the presumption of innocence, the existing criminal code in practice often is administered by poorly trained judges operating on a presumption of guilt; consequently, the rights of defendants often are not observed. All stages of the trial process are conducted in writing and, at the judge's discretion, may be declared secret and, thus, even less "public" than normal. All trials are to be public under the new Criminal Procedures Code.

Defendants and their attorneys are not always genuine participants in the process, despite rights accorded under law. Defendants may confront witnesses against them and present evidence on their own behalf, but only through the judge. By law defendants and their attorneys are entitled to review government-held evidence relevant to their cases, but this right is not always respected in practice. The new Criminal Procedures Code provides defendants with additional rights that reduce their likelihood of being detained, which some critics warn may reduce the conviction rate of hardened criminals.

A public defender program provides assistance to those unable to afford an adequate defense. There are 164 public defenders providing free legal services nationally to 37 percent of the prison population; however, it is difficult for public defenders to meet the heavy demands of an unautomated, inadequately funded, and labor-intensive criminal justice system. With the planned revisions to the Criminal Procedures Code in 2002, there is expected to be far greater demand for public defenders, since the new law allows cases to be dismissed if a suspect does not have legal representation.

A 1998 Supreme Court instruction holds judges personally accountable for reducing the number of backlogged cases. The order separates judges into pretrial investigative judges and trial and sentencing judges. The Court also created a program to monitor and enforce compliance with these measures. The Court's instruction was intended to ensure more effective protection for the rights of the accused to a timely and effective defense, but it has had little effect. Under the new Criminal Procedures Code the purpose of plea-bargaining is expected to reduce the caseload and to prioritize serious crimes for prosecution.

Modest progress was made in previous years toward implementing a judicial career system to enhance the qualifications of sitting judges; depoliticize the appointment process; and address problems of corruption, clientism, patronage, and influence-peddling within the judiciary. Nonetheless, many courts remain staffed by politically selected judges and by unqualified clerks who are inefficient and subject to influence from special interests. The reforms have not been implemented fully or effectively. Public accountability or official sanction for misconduct is minimal. However, the Supreme Court dismissed more than 12 judges on various charges, including corruption, during the year.

A special prosecutor investigating the 1998 murder of a town councilman reported receiving death threats (see Section 1.a.).

Elements of the armed forces withheld their cooperation from official efforts to track down military officers wanted in connection with alleged human rights abuses dating back to the 1980's (see Sections 1.a., 1.b., and 1.c.). The Supreme Court had considered whether legal amnesties adopted in 1987, 1990, and 1991 for crimes committed during the 1980's covered the military, as political deliberations in the Congress suggested. In 1998 the Court determined that while the amnesty laws were constitutional, amnesty appeals would have to be decided on their individual merits. In June 2000, the Court first ruled that laws providing amnesty protection

to present and former military officials were inapplicable to common crimes, such as illegal detention and homicide, which some officials were alleged to have committed. In August 2000, the court clarified its June ruling by applying it only to the specific case (the 1982 kidnapping and torture of six university students) under consideration (see Section 1.c.). It held that the amnesty laws would continue to apply to all military defendants until specific grounds for exclusion of amnesty were applied in that case. Thus, military officials may benefit from the amnesty laws, but the Public Ministry has the right to challenge the applicability of those laws to specific investigations of past human rights abuses.

The Constitution provides broad immunity to members of Congress and government officials. Membership in both the National Congress and the Central American Parliament confers legal immunity from prosecution. That immunity extends to candidates running for office and to acts committed before taking office. In April 2000, Congress passed a General Law of Immunities that, contrary to the public expectations, did little to foster transparency and accountability in government. In fact, the new law requires that cases of white-collar crime brought against public officials with immunity first must be adjudicated through administrative procedures before any criminal proceedings are initiated. In addition, the new law bestows immunity to citizens upon party nomination to run for public office. The law continues to require a vote of Congress to deprive an individual of his or her immunity, although such individual may be arrested if caught in the act of endangering the life or physical integrity of another.

Over the past 7 years, the Public Ministry has taken steps to investigate and charge not only military officers for human rights violations, but also recently retired heads of the armed forces for corruption, illicit enrichment, and white collar crimes, as well as ranking officials of the two previous governments for abuses of power, fraud, and diversion of public funds and resources. However, at year's end, very few of those accused had been tried or convicted. Some of these individuals maintain immunity from prosecution because they are in elected office or are running for office.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution specifies that a person's home is inviolable, that persons employed by the State may enter only with the owner's consent or with the prior authorization of a competent legal authority, and that entry may take place only between 6 a.m. and 6 p.m. There is an exception that allows entry at any time in the event of an emergency or to prevent the commission of a crime. However, as in previous years, there were credible charges that police personnel failed at times to obtain the needed authorization before entering a private home. Coordination among the police, the courts, and the Public Ministry remained weak.

In a number of instances, the security forces actively dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (see Section 5). Since January, private security guards, with support from regional police, have blocked access to farmland for villages surrounding Gualaco, Olancho department in a local conflict over development of an energy project, which led to the murder of one farmer activist (see Section 1.a.). In June an estimated 400 farmer families occupied national land that had been sold illegally to others in the Trujillo, Colon area. The families received threats from security forces allied with the illegal landowners until central government authorities interceded. In August the preventive police dislodged 1,000 Afro-Caribbean, also called Garifuna, residents near Sambo Creek, Colon, with tear gas during a land dispute with a local landowner. A number of farm cooperatives experience constant threats of dislocation from local police and military authorities who support local landowners. Some individuals who lose disputed lands to farmer cooperatives as a result of government adjudication at times act with impunity and kill cooperative leaders (see Section 1.a.).

In June the Committee of Families of the Disappeared (COFADEH) accused security forces of arbitrarily monitoring private communications and movements of activists because of their support for farmers protesting an energy project in Gualaco, Olancho department.

The Government generally respects the privacy of correspondence.

Despite reforms to the civil service system, party membership is often necessary to obtain or retain government employment.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice, with some important exceptions. In March the IACHR reported that the Government impedes public criticism of government actions. Some journalists admitted to self-censorship when their reporting threatened the political or economic interests of media owners. A small number of powerful business magnates whose business interests, political loyalties, and family ties often intersect own many news media. Systemic national problems, such as corruption and endemic conflicts of interest, also limit the development of the news media. For example, one of the four national newspapers is run by a recent presidential candidate and another is run by President Flores. Reporting of events, particularly those related to elections, is subject to editorializing.

The Government has various means to influence news reporting of its activities, such as the granting or denial of access to government officials, which is crucial for news reporters, editors, and media owners. Other methods are more subtle, such as the coveted privilege to accompany the President on his official travels. Journalists who accompany the President on such occasions do so at the expense of the Government, which grants or withholds invitations for such travel at will. The Government also has considerable influence on the print media through its ability to grant or withhold official advertisements funded with public monies. President Flores wielded considerable influence on the print media with his ownership of La Tribuna, the leading newspaper in the capital of Tegucigalpa. La Tribuna was founded by the late father of the President and still is run by his family. It competes directly with rival publications for scarce revenues from advertising, much of which comes from the Government itself.

The comparatively little investigative journalism that took place focused on noncontroversial issues. When the news media attempted to report in depth on national politicians or official corruption, they continued to face obstacles, such as external pressures to desist from their investigations, artificially tight reporting deadlines, and a lack of access to Government information and independent sources.

The news media also continued to suffer from internal corruption, politicization, and outside influences. Payments to journalists to investigate or suppress certain stories continued, although no individual journalist was accused publicly of engaging in the practice. News directors and editors acknowledged their inability to halt the practice, given their own workloads and the difficulty of discovering why a given reporter opted to emphasize one aspect of a story over another, or why a particular name was omitted from a list of suspects to be made public.

The executive branch limited its use of the "Cadena Nacional," a complete preemption of all television and radio broadcasting, compared to previous years. Originally designed to transmit critical information during an emergency or crisis, the Cadena Nacional is used primarily to promote the accomplishments of the Government.

One potentially abusive practice continued to be the granting of awards to individual reporters on "Journalists' Day." In May all three branches of the Government and several private organizations, including chambers of commerce, bestowed numerous awards, some accompanied by substantial sums of cash, on the "best" journalists. Rather than being tied to a specific accomplishment—a particular article or series, or even a lifetime's body of work—most awards were granted without any published criteria to beat reporters assigned to the granting institution. Some of these awards appeared to be deserved; however, many observers viewed them as little more than acknowledgments by the granting institutions of perceived services rendered.

Numerous reported attempts by government officials and unidentified assailants to intimidate journalists in 2000 increasingly led both local and foreign observers to call into question the ability of the news media to report freely on sensitive topics. While newspapers circulate freely, and a number of radio and television stations broadcast freely, there are credible reports of media owners' repression against individual journalists who criticize the Government, actively criticize freedom of the press, or otherwise report on issues sensitive to powerful interests in the country.

According to Amnesty International and national human rights groups, in April Thelma Mejia was forced to resign as editor of El Heraldo, allegedly for participating in a delegation to the Special Rapporteur on Freedom of Expression at the Organization of American States (OAS). In May Manuel Torres Calderon was dismissed as editorial page editor of the same newspaper, as was Roger Argueta, both ostensibly for differences of opinion with the newspaper owner. Both journalists expressed public support for Thelma Mejia. In April Channel 63 television reporter Cesar Omar Silva was dismissed, allegedly for his critical reporting on the television owners' advertisers. In June Channel 13 news reporter Jorge Lopez was dismissed, allegedly for reporting on a bank scandal in the print media. In October a number of Channel 63 reporters were given 2 months notice of dismissal. Felix Molina, who also gave testimony to the OAS Rapporteur on Freedom of Expression, was one of those reporters.

VICA television journalist Dolores Valenzuela reported receiving death threats as a result of her report on illegal logging in Olancho.

In September an Inter-American Press Association (IAPA) delegation met with the President to discuss IAPA concerns about language in a crime bill before Congress that would limit journalists' ability to keep their sources confidential.

Television reporter Allan Montenegro is suing the Security Ministry over the loss of an eye in an unprovoked altercation with a police officer in 2000. No action has been taken in the 2000 drive-by shooting of Radio Progreso news director Julio Cesar Pineda Alvarado, who suffered a head wound in the attack.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respects this right in practice; however, police used force to disperse several protests, resulting in one death and a number of injuries.

In July Preventive Police disrupted peaceful protests by persons from Gualaco, Olancho (see Section 1.f.), and 200-300 members of the Committee of Popular Organizations and Indigenous (COPIN), who joined them to protest hydroelectric projects in their respective communities, in front of the National Congress. The police forcibly dislodged peaceful protesters with billy clubs, tear gas, and water hoses (see Section 4). They injured 30 protesters and detained 13 who later were freed. The police detained COPIN members at a number of checkpoints in an effort to delay their entry into Tegucigalpa. No charges have been filed against Security Minister Gautama Fonseca for a similar detention of COPIN members in 2000.

During the year, incidents in which farmers or local populations took over roadways in Colon, Olancho, and Choluteca met with police resistance. Police used tear gas and riot troops to clear roadways, killing one person in November and injuring a number of persons in each incident (see Section 1.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

#### c. Freedom of Religion

The Constitution provides for all forms of religious expression, and the Government generally respects this right in practice. The dominant religion, Catholicism, does not affect adversely the religious freedom of others. The Government prohibits immigration of foreign missionaries who practice religions that claim to use witchcraft or satanic rituals.

In September 2000, Congress adopted a controversial measure requiring that, beginning in 2001, all school classes begin with 10 minutes of readings from the Bible. Parents who do not want their children to listen to the readings may notify school authorities in writing. The Education Ministry, in consultation with Christian churches, was to establish procedures to select readings, plan their implementation, and promote their distribution. However, the law had not been implemented by year's end. The constitutionality of the law was questioned by some legal scholars, and doubts were raised regarding its eventual implementation.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens enter and exit the country without arbitrary impediment, and the Government does not restrict travel within the country's borders.

The Government cooperates with the U.N. High Commissioner for Refugees, the International Office of Migrations, and other humanitarian organizations in assisting refugees. The Government provides first asylum and grants asylum or refugee status in accordance with the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections were held on November 25.

Citizens choose a president, three vice presidents, and members of the National Congress by free, secret, and direct, balloting every 4 years. In 1997 voters for the first time were able to cast separate ballots for the President, Congresspersons, and mayors, making individual elected officials more representative and accountable. Suffrage is universal; however, neither the clergy nor members of the military or civilian security forces are permitted to vote. During the year, voting was expanded to include Hondurans resident in five cities in the United States. After extended debate between Liberals and Nationalists over the extent and organization of voting abroad, the parties agreed to limit voting to the five U.S. cities with the greatest population of Hondurans, due to both budget and logistic considerations. Of 10,000 Hondurans who registered to vote abroad, slightly more than 1,000 voted. Any citizen born in Honduras or abroad of Honduran parentage may hold office, except for members of the clergy, the armed forces, and the police.

On November 25, voters elected Ricardo Maduro of the Nationalist Party President in elections that domestic and international observers judged to be generally free and fair. Maduro defeated Liberal candidate Rafael Pineda Ponce, the President of Congress. Maduro received approximately 52.2 percent of the vote, and Pineda Ponce approximately 44.3 percent. The remaining three parties received 3.5 percent of the vote. In the Congressional elections, neither major party won a majority. Of 128 seats, 61 went to the National Party, 55 to the Liberal Party, 5 to the Democratic Unity Party, 4 to the Christian Democratic Party, and 3 to the Innovation and National Unification Party. This was the first time in the country's electoral history that the President's party did not enjoy an outright majority in Congress.

After a major political conflict during the 2000 primaries in which the Liberals challenged the National Party presidential contender Ricardo Maduro for not being a "Honduran by birth," the Congress interpreted constitutional provisions on citizenship by birth, which allowed Maduro's candidacy. (Maduro was born in Panama of a Panamanian father and a Guatemalan mother, but Maduro and his mother both received official documentation of Honduran citizenship in the 1980's, through Maduro's Honduran maternal grandmother. Since that time, Maduro served as President of the Central Bank, a position that requires "Honduran by birth" nationality.)

There was some election violence leading up to the November elections. On November 23, a Nationalist Party congressional candidate from Valle department was killed; the initial suspects were from the Liberal Party (see Section 1.a.). The District Attorney continued the investigation at year's end. On November 24, gunmen shot at the Liberal Party headquarters in San Pedro Sula late in the evening, but no one was in the headquarters and no one was injured. No one has been identified in the shooting.

A new political party may gain legal status by obtaining 20,000 signatures and establishing party organizations in at least half of the country's 18 departments. Each signature must be notarized on separate sheets of government stationery, each of which costs approximately \$9 (150 lempiras). There are five recognized parties, including the Democratic Unification Party, which was accepted as a legal party in June. A sixth party, PUEBLO-H, attempted to register a presidential candidate but was unable to raise sufficient funds to pay for the government stationery. In October PUEBLO-H attempted to register four independent mayoral candidates, but the Government election authorities said that the party had not provided them with information in sufficient time for the registration to be reviewed before the election.

There are no legal impediments to the participation of women or minorities in government and politics; however, their percentages in government and politics do not correspond to their percentages of the population. Prior to the November elections, women held 12 of 128 seats in the National Congress and 2 of 20 Honduran seats in the Central American Parliament. In the November elections, voters elected women to 5 seats in the National Congress and 3 seats in the Central American Parliament. The Government established the National Women's Institute a number of years ago to address women's issues. There is one female justice on the Supreme Court. During the year, six female ministers served on President Flores's cabinet.

The 2000 Law of Gender Equality mandated that 30 percent of all candidates nominated for public office by recognized political parties be women. The National Party candidates for mayorships in the general elections fulfilled this requirement. None of the parties fulfilled this requirement for congressional positions, even though the political party leadership exercises the right to change congressional and even mayoral candidates after the primaries. Members of Congress are voted from party lists and not directly, and the central party committee makes the decision on the candidates for each department. Congresswomen and women's groups strongly criticized all five parties for their lack of female representation in the congressional slates after the results of

the November elections.

There are few indigenous people in leadership positions in government or politics. There are three members of Congress who state that they are indigenous or Garifuna (Afro-Caribbean).

#### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with these groups and are responsive to their views.

In June human rights groups accused security forces of arbitrarily monitoring private communications and movements of activists (see Section 1.f.).

The human rights group COFADEH received death threats against its staff during the year.

In July the authorities brought charges of disruption, disobedience, and exceeding constitutional rights against 21 human rights workers following a police action in front of the National Congress in which police forcibly dislodged peaceful protesters with billy clubs, tear gas, and water hoses (see Section 2.b.). Many of the human rights workers were observers and some of the accused were not physically present at the demonstration. By year's end, no arrest warrants had been issued.

In August the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions visited the country to meet with government, human rights, and children's organizations (see Section 1.a.).

In 1996 the Congress ratified a presidential decree expanding the functions of the National Human Rights Commission (NHRC) and unanimously reelected Leo Valladares to a 6-year term that is scheduled to expire on March 5, 2002. Under this decree, and in fulfillment of his expanded functions, the NHRC director has free access to all civilian and military institutions and detention centers, and is supposed to perform his functions with complete immunity and autonomy.

#### Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution bans discrimination based on race or sex. The Constitution also bans discrimination on the basis of class; however, in practice, the political, military, and social elites generally enjoyed impunity under the legal system. Members of these groups rarely were arrested or jailed; the President, cabinet ministers, and legislators all enjoy legal immunity (see Section 1.e.).

##### Women

Violence against women remained widespread. The Penal Code classifies domestic violence and sexual harassment as crimes, with penalties of 2 to 4 years' and 1 to 3 years' imprisonment, respectively. In February 2000, the Pan-American Health Organization reported that 60 percent of women have been victims of domestic violence. In September 2000, the U.N. Population Fund estimated that 8 of every 10 women suffer from domestic violence.

The Public Ministry reported that in Tegucigalpa, which has a population of 297,000 women, 12 women were killed as a result of domestic violence during the year. Over the year, the Public Ministry reported that it receives an average of 341 allegations of domestic violence each month only in the capital city of Tegucigalpa.

The 1997 Law Against Domestic Violence strengthened the rights of women and increased the penalties for crimes of domestic violence. This law allows the Government to protect battered women through emergency measures, such as detaining an aggressor or separating him temporarily from the victim's home. It also imposes such penalties as a fine of \$322 (5,000 lempiras) and 4 years' imprisonment per incident. During the year, many cases were resolved because the Government began to fund special courts to hear only cases of domestic violence.

The Government works with women's groups to provide specialized training to police officials on enforcing the Law Against Domestic Violence. There are few shelters specifically for battered women. The Government operates 1 shelter that can accommodate 10 women and their families. Six private centers for battered women

offer legal, medical, and psychological assistance, but not physical shelter.

The penalties for rape are relatively light, ranging from 3 to 9 years' imprisonment. All rapes are considered public crimes, so a rapist can be prosecuted even if he marries his victim.

The law does not prohibit prostitution; however, it prohibits promoting or facilitating the prostitution of adults.

Women are trafficked for sexual exploitation and debt bondage (see Section 6.f.).

The law prohibits sexual harassment in the workplace; however, it continued to be a problem.

Women, who make up 36 percent of the work force, were represented in at least small numbers in most professions, but cultural attitudes limit their career opportunities. Under the law, women have equal access to educational opportunities; however, family pressures often impede the ambitions of girls who wish to attend high school. The law requires employers to pay women equal wages for equivalent work, but employers often classify women's jobs as less demanding than those of men to justify paying them lower salaries. The Inter-Institutional Technical Committee on Gender supported gender units in six government ministries, and there is a special working women's division in the Ministry of Labor to coordinate government assistance programs that have a gender focus and that are targeted for women.

Workers in the textile export industries reported they were required to take preemployment pregnancy tests (see Section 6.e.).

In October a national group of women's organizations developed a document called "Minimum Agenda for Women," which all of the presidential candidates signed. The agenda identified problems of discrimination in work (especially for domestic workers), politics, and land access; problems of domestic violence; and lack of access to education and health services.

The Government has established the National Women's Institute to address women's issues (see Section 3).

#### Children

Although the Government allocated 9.6 percent of its total expenditures for the year to basic education, this was insufficient to address the educational needs of the country's youth. The Government provides free, universal, and compulsory education through the age of 13; however, the Government estimated that as many as 65,000 children ages 6 through 12 fail to receive schooling of any kind each year, either due to insufficient financial resources, or because parents rely on their children to assist in supporting the family by working (see Section 6.d.). Girls attend primary school in the same proportion as boys; however, family pressures often impede the ambitions of girls who wish to attend high school. The Government increased its national school capacity by approximately 50,000 children during the year.

The Government allocated 10.7 percent of total government expenditure to the health sector. Media reports indicated that up to 40 percent of children under the age of 5 years suffer from chronic malnutrition. The Government estimated that 7,000 children (40 of every 1,000) under age 5 die each year because of inadequate health care. The Health Ministry's 2000-2002 campaign to reduce infant mortality by 25 percent was slowed down by labor strikes in the health sector (see Section 6.a.).

The 1996 Code of Childhood and Adolescence covers the rights, liberties, and protection of children. It established prison sentences of up to 3 years for persons convicted of child abuse. In the two major cities of San Pedro Sula and Tegucigalpa, with a combined population of 682,400 minors, a total of 2,500 complaints of child abuse were taken by the Public Ministry.

Child prostitution is a problem in some tourist areas of the country.

Child labor is a problem (see Section 6.d.).

Trafficking in children is a problem (see Section 6.f.).

The Government was unable to improve the living conditions or reduce the numbers of street children and youth (see Sections 1.a. and 1.c.). The Government and children's rights organizations estimate the number of street children at 10,000, only half of whom have shelter on any given day. The number of street children has

increased substantially since 1998, due to Hurricane Mitch. Many street children have been sexually molested or exploited, and about 40 percent regularly engaged in prostitution. Approximately 30 percent of the street children and youth in Tegucigalpa and San Pedro Sula, the two largest population centers, were reported to be HIV-positive. Over 75 percent of street children live on the streets because of severe family problems; 30 percent simply were abandoned. The Tegucigalpa city administration runs 12 temporary shelters with a total capacity of 240 children. The 2000 Government plan to open a 24-hour Street Child Attention Center in Tegucigalpa had not been implemented at year's end.

Abuse of youth and children in poor neighborhoods and in gangs is a serious problem. Both the police and members of the general population engaged in violence against poor youth and children; some of these children were involved in criminal activities, but many were not (see Sections 1.a. and 1.c.). At least 603 homicide cases of children and youth, only some of whom lived on the street, were killed in "social cleansing" killings between January 1998 and May; police were found to be responsible for some of the killings (see Section 1.a.). Security authorities' abuse of street children decreased significantly in the late 1990's after Casa Alianza trained the Preventive Police on treatment of children and youth for 2 years; it is still a problem, although the situation has improved significantly. Casa Alianza continues to train police recruits at the National Police Academy in La Paz department.

International and national human rights groups implicated out-of-uniform security force personnel, vigilantes, and business leaders in many juvenile deaths (see Section 1.a.).

#### Persons with Disabilities

There are no formal barriers to participation by an estimated 700,000 persons with disabilities in employment, education, or health care; however, there is no specific statutory or constitutional protection for them. There is no legislation that requires access by persons with disabilities to government buildings or commercial establishments. In 2000 the Government reactivated the National Council for the Treatment of the Disabled Minor to coordinate assistance to youths with disabilities and appropriated about \$1.3 million (20 million lempiras) to fund its activities. In September the National University initiated the first classes to train sign language interpreters in Honduran Sign Language.

#### Indigenous People

Some 450,000 persons, constituting 11 percent of the general population, are members of various indigenous groups. These small communities of indigenous people have little or no ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous land rights are communal. While the law permits persons to claim individual freeholding titles, this is difficult to accomplish in practice. Indigenous and ancestral lands often are defined poorly in documents dating back to the mid-19th century and, in most cases, lack any legal title based on modern cadastral surveys. The Government makes all decisions regarding exploitation of timber resources on indigenous lands, often over strenuous objections of the indigenous community.

The lack of clear title by indigenous groups to the public lands that they occupy often leads to conflicts between such groups and various government entities (see Sections 1.a. and 1.f.). In March, eight members of the Lenca indigenous group sought political asylum in the Venezuelan Embassy in Tegucigalpa after they were threatened with arrest over a land dispute. Another group of Lencas staged a protest outside the Supreme Court to press for the release of a jailed colleague. In August police used tear gas to dislodge 1,000 members of an Afro-Caribbean town from a plot of land that they claimed. However, such disputes are equally common between the Government and nonindigenous groups, and the Government is working with various indigenous groups on management plans for public and ancestral lands that they occupy. In the absence of clear land titles and unequal access to legal recourse, indigenous groups also are vulnerable to frequent usurpation of their property rights by nonindigenous farmers and cattle ranchers. Expanded coverage of the national cadastral registry, property titling, and government land registries is reducing this vulnerability.

The courts commonly deny legal recourse to indigenous groups and often show bias in favor of nonindigenous parties of means and influence. Failure to obtain legal redress frequently causes indigenous groups to attempt to regain land through invasions of private property, which usually provoke the authorities into retaliating forcefully. The Government generally is responsive to indigenous land claims; however, numerous cases remained unresolved because of conflicting claims by influential nonindigenous groups.

In 1997 after a month of nationwide protests by indigenous organizations that included a hunger strike, the Government signed a 22-point agreement with representatives of various groups that made available 9 initial land grants of about 22,000 acres each to different tribes, granted some contested land titles outright to indigenous petitioners, and set aside government funds for indigenous housing. The Congress also created a

commission to study indigenous land claims, which often conflict with the claims of small farmers, but the commission was largely inactive. Since 1997 the Government has distributed tens of thousands of legal titles encompassing hundreds of thousands of acres of land to indigenous persons. During the year, the National Agrarian Reform Institute transferred 40,000 hectares (98,840 acres) of land to Afro-Caribbean and indigenous groups who had ancestral rights to a large share of disputed land. Indigenous groups continued to charge that the Government had failed to fulfill its commitments under the 1997 agreement.

During the year, the warden of the Tela prison forbade Garifuna prisoners from speaking their native language (see Section 1.c.).

## Section 6 Worker Rights

### a. The Right of Association

Workers have the legal right to form and join labor unions; unions generally are independent of the Government and of political parties. Most peasant organizations are affiliated directly with the labor movement. Unions occasionally hold public demonstrations against government policies and make extensive use of the news media to advance their views. However, only about 14 percent of the work force is unionized, and the economic and political influence of organized labor has diminished in the past several years. In June the International Labor Organization (ILO) criticized legal restrictions on the ability of unions to federate domestically and recommended that the Government amend its legislation to ensure workers the right to form and join organizations of their own choosing. The ILO notes that various provisions in the law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise, the requirement of more than 30 workers to constitute a trade union, and the requirement that trade union organizations must include more than 90 percent Honduran membership.

The labor movement is composed of three national labor organizations: the General Council of Workers (CGT), the Confederation of Honduran Workers (CTH), and the Unitary Confederation of Honduran Workers (CUTH).

The Constitution provides for the right to strike, along with a wide range of other basic labor rights, which the authorities generally respect in practice. The civil service code denies the right to strike to all government workers, other than employees of state-owned enterprises. Nonetheless, civil servants often engage in illegal work stoppages without experiencing reprisals. The ILO has reported that federations and confederations are prohibited from calling strikes, and that a two-thirds majority of the votes of the total membership of the trade union organization is required to call a strike; the ILO asserts that these requirements restrict freedom of association.

The public sector held pervasive and long-lasting strikes throughout the year. Both teachers and public health workers were on strike for more than 2 months demanding back pay, improved working conditions, and salary raises.

A number of private firms have instituted "solidarity" associations, essentially aimed at providing credit and other services to workers and managers who are members of the associations. Representatives of most organized labor groups criticize these associations, asserting that they do not permit strikes; have inadequate grievance procedures; are meant to displace genuine, independent trade unions; and are employer-dominated.

In March the Popular Bloc ("Bloque Popular"), a group of dissident members of some 40 labor, peasant, and social organizations held a number of demonstrations to bring the Government, the private sector, and organized labor to the bargaining table to negotiate increases in contributions to the social security system. In December a tripartite committee of government, labor, and employers was convened to begin negotiations over a new minimum wage (see Section 6.e.).

The three national labor confederations maintain close ties with various international trade union organizations.

### b. The Right to Organize and Bargain Collectively

The law protects the rights to organize and to bargain collectively. The Labor Code prohibits retribution by employers for trade union activity; however, it is a common occurrence. Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. Some foreign companies close operations when they are notified that workers seek union representation; two such cases occurred during the year. The labor courts routinely consider hundreds of appeals from workers seeking reinstatement and back wages from companies that fired them for engaging in

union organizing activities. Once a union is recognized, employers actually dismiss relatively few workers for union activity. However, the right of collective bargaining is not granted easily, even once a union is recognized. Cases of firings and harassment serve to discourage workers elsewhere from attempting to organize.

Workers in both unionized and nonunionized companies are protected by the Labor Code, which gives them the right to seek redress from the Ministry of Labor. The Ministry of Labor applied the law in several cases, pressuring employers to observe the code. Labor or civil courts can require employers to rehire employees fired for union activity, but such rulings are uncommon. Collective bargaining agreements between management and unions generally contain a clause prohibiting retaliation against any worker who participates in a strike or other union activity.

The Labor Code explicitly prohibits blacklisting; however, there was credible evidence that informal blacklisting occurred in the privately owned industrial parks, known as maquiladoras. When a union is formed, its organizers must submit a list of initial members to the Ministry of Labor as part of the process of obtaining official recognition. However, before official recognition is granted, the Ministry of Labor must inform the company of the impending union organization. The Ministry of Labor has not always been able to provide effective protection to labor organizers. During the year the Ministry of Labor improved its administrative procedures to reduce unethical behavior of its officials regarding union organizing. There were fewer reports of inspectors selling the names of employees involved in forming a union to the management of the company compared with previous years.

The same labor regulations apply in the export processing zones (EPZ's) as in the rest of private industry. There are approximately 20 EPZ's. Each EPZ provides space for between 4 and 10 companies. There are approximately 200 export oriented assembly manufacturing firms located inside and outside of EPZ's. Unions represent workers in the factories located in the government-owned Puerto Cortes free trade zone (6 of 10 export assembly manufacturing firms, or maquiladoras, there are unionized); factory owners resist efforts to organize their companies in the privately owned industrial parks. The Honduran Association of Maquiladores (AHM) routinely sponsors seminars and other meetings between its members and major labor groups in order to reduce potential tensions within the industry. At year's end, 45 of the country's 200 maquiladoras were unionized.

In 1997 the AHM adopted a voluntary code of conduct governing salaries and working conditions in the industry and recognizing workers' right to organize. Members of AHM, both industrial park owners and company owners, are asked to sign the code of conduct to join the AHM; however, workers do not receive training on its provisions. The conditions are not monitored or verified by the AHM, but the AHM does act as arbiter when unions, the Ministry of Labor, or other partners complain about labor conditions in a factory. Workers are not trained on the elements of this code. The code provided a starting point for a dialog among the AHM, organized labor, and the Government, which formed a Tripartite Commission that meets on a regular basis to discuss and facilitate solutions for labor problems. The AHM often serves as an informal arbiter of labor disputes between its member companies and their workforces. The attitude of the Government toward organized labor in the EPZ's is the same as in other industries.

In the absence of unions and collective bargaining, the management of several plants in free trade zones have instituted solidarity associations that, to some extent, function as "company unions" for the purposes of setting wages and negotiating working conditions. Others use the minimum wage to set starting salaries and adjust wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria (see Section 6.e.).

Labor leaders accuse the Government of allowing private companies to act contrary to the Labor Code. They criticize the Ministry of Labor for not enforcing the Labor Code, for taking too long to make decisions, and for being timid and indifferent to workers' needs. Industry leaders, in turn, contend that the obsolete and cumbersome Labor Code discourages foreign investment and requires significant amendment. The Ministry of Labor sought to address these deficiencies by requesting increased funding in the Government's budget, by dismissing or transferring Ministry of Labor employees whose performance was unsatisfactory, by opening more regional offices to facilitate worker access to Ministry of Labor services, and by conducting a painstaking, ongoing review of the Labor Code. In September the Ministry of Labor opened a special maquiladora office and an office for female workers.

A 1995 Memorandum of Understanding (MOU) between the Ministry of Labor and the Office of the United States Trade Representative calling for greater enforcement of the Labor Code has resulted in some progress. However, labor unions charge that the Ministry of Labor has not made sufficient progress toward enforcing the Code, especially in training its labor inspectors and in conducting inspections of the maquiladora industry. The Government has acknowledged that it does not yet adhere completely to international labor standards. In 1997 the country, in conjunction with other Central American nations, agreed to fund a regional program to

modernize the inspection and labor management functions of all regional labor ministries. In August and September 2000, the Government reaffirmed its commitment to abide by the terms of the 1995 MOU and to take additional steps to strengthen enforcement of the Labor Code.

Union formation and contract negotiation can take an extremely long time. For example, in July 1999, workers at Yoo Yang, a South Korean-owned maquiladora, sought to establish a union for all maquiladora workers. In December 2000, the Ministry of Labor granted union status to Yoo Yang employees. During the year, management and workers were engaged in contract negotiations for 9 months, with the intervention of Ministry of Labor mediators. A contract was agreed to and signed in December. In June the ILO criticized the Government's restriction on workers' right to organize. The ILO noted that in this case there was a lack of evidence to make a judgement but stated that if the rejection of this request and delay of registration was based on formalities or if prohibitive administrative requirements were imposed, then the right to organized was violated.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced or compulsory labor; however, there were credible allegations of compulsory overtime at maquiladora plants, particularly for women, who make up an estimated 80 percent of the work force in the maquiladora sector. The legal prohibitions apply equally to children; however, trafficking in children is a problem (see Section 6.f.). Women are trafficked for sexual exploitation and debt bondage (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and the Labor Code prohibit the employment of minors under the age of 16, except that a child who is 15 years of age is permitted to work with parental and Ministry of Labor permission; however, child labor is a problem. According to the Ministry of Labor, human rights groups, and children's rights organizations, an estimated 350,000 children work illegally. The Children's Code prohibits a child of 14 years of age or younger from working, even with parental permission, and establishes prison sentences of 3 to 5 years for individuals who allow children to work illegally. An employer who legally hires a 15-year-old must certify that the child has finished, or is finishing, his compulsory schooling. The Ministry of Labor grants a limited number of work permits to 15-year-old children each year.

The Ministry of Labor does not enforce effectively child labor laws outside the maquiladora sector. Violations of the Labor Code occur frequently in rural areas and in small companies. Significant child labor problems exist in family farming, agricultural export (including the melon and coffee industries), and small scale services and commerce. A May household survey reported that 9.2 percent of children between ages 5 and 15 were working, and that 26 percent of children ages 11 through 15 work. Many children also work in the construction industry, on family farms, as street vendors, or in small workshops to supplement the family income. Boys between the ages of 13 and 18 work on lobster boats, where they dive illegally with little safety or health protection. Children who work on melon farms were exposed to pesticides and long hours. Hurricane Mitch exacerbated existing child labor problems in every sector of the economy.

The employment of children under the legal working age in the maquiladora sector may occur, but not on a large scale. (Younger children sometimes obtain legitimate work permits by fraud or purchase forged permits.) During the year, one foreign firm in the maquiladora sector was reported to employ minors, and the Ministry of Labor took action to penalize the employer and assure that minors no longer work at the plant. The maquiladoras have raised their minimum employment age, and some hire only at age 18 or above, reducing the number of legal job opportunities available to persons under 18 years of age.

In 1998 the Government created the National Commission for the Gradual and Progressive Eradication of Child Labor, which includes government ministries, official family welfare agencies, and local NGO's. In May the Congress ratified the ILO Convention 182 on the worst forms of child labor, which became law a month later. In September the employers' association launched a campaign to raise awareness of the law among its members. In September the regional ILO Office on the Eradication of Child Labor director visited the country and met with the various groups and officials working on child labor to coordinate programs focused on the eradication of the worst forms of child labor.

Forced or compulsory labor is prohibited, including that performed by children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

Minimum wages that were established in 2000 and went into effect during the year apply to all sectors of the economy. Daily pay rates vary by geographic zone and the sector of the economy affected; urban workers earn slightly more than workers in the countryside. The lowest minimum wage occurs in the nonexport agricultural sector, where it ranges from \$2.25 to \$3.19 (35.00 to 49.50 lempiras) per day, depending on whether the employer has more than 15 employees. The highest minimum wage is \$4.08 (63.30 lempiras) per day in the export sector. All workers are entitled to an additional month's salary in June and December of each year. The Constitution and the Labor Code stipulate that all labor must be paid fairly; however, the Ministry of Labor lacks the personnel and other resources for effective enforcement. The minimum wage is insufficient to provide a decent standard of living (above the poverty line) for a worker and family. In December a tripartite committee of government, labor, and employers was convened to begin negotiations over a new minimum wage.

Under the threat of a nationwide work stoppage by the country's three labor confederations (see Section 6.a.), in October 2000, the private sector agreed to a monthly wage increase of \$23.33 (350 lempiras) for workers earning up to \$116.60 (1,749 lempiras) per month. A monthly increase of \$10 (150 lempiras) was retroactive to October 1, 2000, and an additional monthly increase of \$13.33 (200 lempiras) took effect on February 1. This agreement excluded workers in the nonexport agricultural sector, who instead received a monthly wage increase of \$10 (150 lempiras) as of February 1.

Under this agreement, workers earning between \$140 (2,100 lempiras) and \$400 (6,000 lempiras) per month received an additional wage increase of \$23.33 (350 lempiras) as of April 1. This wage increase excluded: workers receiving a salary increase equivalent to, or greater than, \$23.33 (350 lempiras) through either an individual contract or a collective bargaining agreement taking effect 3 months prior to April 1; those paid by piecework or based on productivity; microenterprises, agricultural firms, or ranches employing 15 or fewer workers; and workers in medicine or petroleum product sales whose profit margins are regulated by the Government.

This agreement also incorporated various social commitments by the Government, including the establishment of an Economic and Social Council within which the Government, the private sector, and labor and social groups would debate wages and other labor issues, as well as national social policy. During the year, the regulations for the Council were developed, and the regulations became law in December.

The law prescribes a maximum 8-hour workday and a 44-hour workweek. There is a requirement of at least one 24-hour rest period every 8 days. The Labor Code provides for a paid vacation of 10 workdays after 1 year, and of 20 workdays after

4 years. However, employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. Foreign workers enjoy equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor is cumbersome.

The Ministry of Labor is responsible for enforcing national health and safety laws, but does not do so consistently or effectively. During the year, the Ministry of Labor received technical assistance and equipment to improve its regulatory capacity. There are 16 health and safety inspectors throughout the country. The informal sector is regulated and monitored poorly. Worker safety standards also are poorly enforced in the construction industry. Some complaints alleged that foreign factory managers failed to comply with the occupational health and safety aspects of Labor Code regulations in factories located in the free-trade zones and in private industrial parks (see Section 6.b.). There is no provision allowing a worker to leave a dangerous work situation without jeopardy to continued employment.

Labor unions, women's groups, and human rights groups report receiving complaints from workers in textile export industries that include: illegal preemployment pregnancy tests, severely limited access to medical services, verbal abuse, no freedom to organize unions, forced and unpaid overtime. In September the Korean-owned company Dongwoo closed its business without warning days after receiving notification that workers had registered a union. The Ministry of Labor has increased its responsiveness to these complaints, according to the same organizations.

The Government and private sector participated in a regional program to improve occupational safety and health conditions throughout Central America. This program aimed to strengthen regional labor codes and the enforcement capabilities of the Central American labor ministries in these fields.

#### f. Trafficking in Persons

The Legal Code includes provisions that prohibit trafficking in persons; however, it is a problem. Honduras is primarily a source country for trafficked children to neighboring countries. According to Casa Alianza, Honduran children, especially young girls, are trafficked by criminal groups to other Central American countries for purposes of sexual exploitation. Boys reportedly are trafficked to Canada for the purpose of drug trafficking. There are reports that trafficking in children also occurs within the country's borders. There have been reports in the past that girls have been trafficked to Guatemala and Mexico for purposes of prostitution. There also are reports that women who emigrate through Guatemala and Mexico have been found subject to sexual exploitation and debt bondage.

During the year, there were no reports of aliens smuggled to the United States involving the use of force or sequestration (holding persons incommunicado against their will). There were two cases of debt bondage reported in 2000, involving a total of seven persons.

Reports from Casa Alianza in 2000 asserted that approximately 250 Honduran children in Canada were coerced into prostitution or the sale of illicit narcotics. Honduran authorities did not repatriate any of the minors involved despite 2000 press reports that indicated the Government was taking action.

In February 2000, a judge in San Pedro Sula was charged for allegedly kidnaping six minors with intent to sell them to unknown persons; no action has been taken in this case. In July the Government announced that it was working with the Government of Mexico to repatriate over 200 Honduran minors working as prostitutes in southern Mexico. In 2000 a local children's rights group charged that 498 children had been reported missing from 1986 to 2000, including 22 children during the year. The group asserted that local kidnapers receive an average of \$133 (2,000 lempiras) per child, each of whom subsequently is sold abroad for \$10,000 to \$15,000. No more information was available on this case at year's end. No cases of kidnaping were reported during the year.

The law prohibits trafficking in persons and provides for sentences of between 6 and 9 years imprisonment; the penalty is increased if the traffickers are government or public employees, or if the victim suffers "loss of liberty" or is killed. The Government and Justice Ministry, through its General Directorate for Population and Migration, is responsible for enforcing the country's immigration laws. However, corruption, a lack of resources, and weak police and court systems hinder law enforcement efforts. While traffickers have been arrested, the Government has not prosecuted any cases.

The Government does not provide economic aid to victims or potential victims of such crimes. However, in 2000 the Government inaugurated two centers in Tegucigalpa and San Pedro Sula to assist citizens deported from other countries to relocate in Honduras. The centers' activities continued during the year, with the assistance of several international organizations.